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**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600**

In re Application of
Catherine Lin-Hendel
Application No. 09/631,238
Filed: August 2, 2000

For: SYSTEM AND METHOD FOR
CONSTRUCTING AND DISPLAYING
ACTIVE VIRTUAL REALITY CYBER
MALLS, SHOW ROOMS, GALLERIES,
STORES, MUSEUMS, AND OBJECTS WITHIN

:
: DECISION ON PETITION
: TO WITHDRAW THE
: HOLDING OF ABANDONMET

This is in response to applicant's petition filed in the United States Patent and Trademark Office (USPTO), on May 23, 2003, which is being treated as a Petition to Withdraw the Holding of Abandonment.

The petition is **DENIED**.

A review of the file record indicates that an Office action was mailed on September 5, 2002 wherein a three-month shortened statutory period for response was set. An amendment filed on January 3, 2003 was received without a request for a one-month extension of time or without authorization to charge a deposit account for an extension of time.

Therefore, the application was held abandoned for failure to timely respond to the Office action mailed September 5, 2002 as indicated in the Notice of Abandonment mailed May 5, 2003.

Petitioner argues that he filed the petition for extension of time and fee pursuant to instructions given to him by an employee of the Patent Office. Therefore, Rule 1.136(a) should be waived.

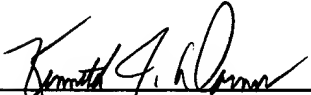
Petitioner is advised that there is no requirement on the part of the Office to inform applicant of fee deficiencies, although an attempt will be made to inform the applicant if noticed in time to avoid abandonment of the application. Further, the payment of the fee for an extension of time must be filed before the expiration of the period for response. See 37 CFR 1.136(a). In any event, it is noted that a one-month extension of time in dated March 14, 2003 would have been inadequate to make the response timely since the Office action mailed September 5, 2002 set a three-month shortened statutory period for response.

As to remedying this application, applicant may wish to consider filing a petition to revive under 37 CFR 1.137(a) (unavoidable delay) or 37 CFR 1.137(b) (unintentional delay).

Petitioner may also formally file a petition to waive the rules under 37 CFR 1.183, which requires a fee of \$130.00.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

The application is being forwarded to files repository.



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KJD/ekn 10/29/03